

Your Employee Rights Under the Family and Medical Leave Act

What is FMLA leave?

The Family and Medical Leave Act (FMLA) is a federal law that provides eligible employees with job-protected leave for qualifying family and medical reasons. The U.S. Department of Labor's Wage and Hour Division (WHD) enforces the FMLA for most employees. Eligible employees can take up to 12 workweeks of FMLA leave in a 12-month period for:

- The birth, adoption or foster placement of a child with you.
- Your serious mental or physical health condition that makes you unable to work.
- To care for your spouse, child or parent with a serious mental or physical health condition, and
- Certain qualifying reasons related to the foreign deployment of your spouse, child or parent who is a military servicemember.

An eligible employee who is the spouse, child, parent or next of kin of a covered servicemember with a serious injury or illness may take up to 26 workweeks of FMLA leave in a single 12-month period to care for the servicemember.

You have the right to use FMLA leave in one block of time. When it is medically necessary or otherwise permitted, you may take FMLA leave intermittently in separate blocks of time, or on a reduced schedule by working less hours each day or week. Read Fact Sheet #2816(j) for more information.

FMLA leave is not paid leave, but you may choose, or be required by your employer, to use any employer-provided paid leave if your employer's paid leave policy covers the reason for which you need FMLA leave.

Am I eligible to take FMLA leave?

You are an eligible employee if all of the following apply:

- You work for a covered employer.
- You have worked for your employer at least 12 months.
- You have at least 1,250 hours of service for your employer during the 12 months before your leave, and
- Your employer has at least 50 employees within 75 miles of your work location.

Am I eligible to take FMLA leave?

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management.

You do not have to share a medical diagnosis but must provide enough information to your employer so they can determine whether the leave qualifies for FMLA protection. You must also inform your employer if FMLA leave was previously taken or approved for the same reason when requesting additional leave.

Your employer may request certification from a health care provider to verify medical leave and may request certification of a qualifying exigency.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

State employees may be subject to certain limitations in pursuit of direct lawsuits regarding leave for their serious health conditions. Most federal and certain congressional employees are also covered by the law but are subject to the jurisdiction of the U.S. Office of Personnel Management.

Ref: 2023-03-10-26

DISCRIMINATION is against the law.

If you feel that you have been discriminated against, visit our website or contact us.

Human Rights Bureau
1596 Pacheco Street, Santa Fe, NM 87505
Office: (505) 827-6838 • Toll-free: (800) 566-9471 • Fax: (505) 827-6878

NEW MEXICO HUMAN RIGHTS ACT

The Human Rights Bureau enforces the provisions of the Human Rights Act of 1969. Additionally, the Human Rights Bureau has a work-sharing agreement with the Equal Employment Opportunity Commission (EEOC) to enforce the provisions of federal law under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), and the Americans with Disabilities Act of 1990 (ADA), all as amended. Prohibited discriminatory bases include:

- Race
- Color
- National Origin
- Ancestry
- Sex
- Age
- Gender
- Physical or Mental Disability or Serious Medical Condition
- Sexual Orientation
- Gender Identity
- Spousal Affiliation
- Religion
- Pregnancy, Childbirth, or Related Condition

Your employer cannot interfere with your FMLA rights or threaten or punish you for exercising your rights under the law. For example, your employer cannot retaliate against you for requesting FMLA leave or cooperating with a WHD investigation.

After becoming aware that your need for leave is for a reason that may qualify under the FMLA, your employer must confirm whether you are eligible or not eligible for FMLA leave. If your employer determines that you are eligible, your employer must notify you in writing.

Sexual harassment and harassment based on other protected categories is prohibited by the Act.

The Human Rights Act prohibits discrimination in the areas of employment, housing, credit, and public accommodations, and prohibits retaliation for complaining about discrimination in any of these areas, or participating in an investigation.

If you feel you have been discriminated against, contact the Human Rights Bureau by phone or fill out a complaint form online at: www.dws.state.nm.us

Where can I find more information?

Call 1-866-487-9248 or visit dws.state.nm.us

If you believe your rights under the FMLA have been violated, you may file a complaint with WHD or file a private lawsuit against your employer in court. Scan the QR code to learn about our WHD complaint process.

ENFORCEMENT

The New Mexico Department of Workforce Solutions Human Rights Bureau investigates complaints of discrimination and harassment in employment, housing, credit, and public accommodations.

Complaints must be filed with the Human Rights Bureau within 300 days of the last act of discrimination or harassment.

For assistance in filing a complaint, or for any other information on the Human Rights Act, please call (505) 566-9471 (toll-free) or (505) 827-6838, or visit our website at: www.dws.state.nm.us

Ref: 2/2023

LA LEY DE DERECHOS HUMANOS DE NUEVO MÉXICO

El Buró de Derechos Humanos impone las provisiones de la Ley de Derechos Humanos de 1969. Adicionalmente, el Buró de Derechos Humanos tiene un acuerdo de reparto de trabajo con la Comisión de Igualdad de Oportunidades en el Empleo (Equal Employment Opportunity Commission, EEOC) para hacer cumplir las provisiones de la ley federal bajo el Título VII de la Ley de Derechos Civiles de 1964 (Civil Rights Act), la Ley de Discriminación por Edad en el Empleo de 1967 (Age Discrimination in Employment Act, ADEA), y la Ley de Americanos con Discapacidades de 1990 (Americans with Disabilities Act, ADA), todas según enmendadas. Las bases discriminatorias prohibidas incluyen:

- Raza
- Color
- Origen Nacional
- Sexo
- Edad
- Género
- Discapacidad Mental o Física o Condiciones Médicas Graves
- Orientación Sexual
- Identificación de Género
- Afiliación Nupcial
- Religión
- Embarazo, Parto, o Condición Relacionada

El acoso sexual y acoso basado en otras categorías protegidas están prohibidos por la Ley.

La Ley de Derechos Humanos prohíbe la discriminación en las áreas de empleo, alojamiento, el acceso al crédito, y hospedaje público, y prohíbe la represalia por quejas en cualquiera de estas áreas, o participar en una investigación.

Si usted siente que ha sido discriminado, comuníquese con el Buró de Derechos Humanos por teléfono o complete el formulario de quejas por Internet en: www.dws.state.nm.us

EMPLUMIENTO

El Buró de Derechos Humanos del Departamento de Soluciones de Fuerza Laboral de Nuevo México investiga quejas de discriminación y acoso en el empleo, alojamiento, el acceso al crédito, y hospedaje público.

Las quejas deben ser presentadas al Buró de Derechos Humanos dentro de 300 días de que ocurrió el último acto de discriminación o acoso.

Para ayuda en completar una queja, o por cualquier otra información sobre la Ley de Derechos Humanos, por favor llame al (800) 566-9471 (gratuitamente) o (505) 827-6838, o visite nuestra página por Internet en: www.dws.state.nm.us

Buró de Derechos Humanos
1596 Pacheco Street, Santa Fe, NM 87505
Oficina: (505) 827-6838 - Línea Gratuita: (800) 566-9471 - Fax: (505) 827-6878

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Ref: NMSA Sec. 28-1-14

EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE

\$7.25 PER HOUR

BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

OVERTIME PAY At least 1½ times the regular rate of pay for the hours worked over 40 in a workweek.

CHILD LABOR An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions. Different rules apply to agricultural work.

TIP CREDIT Employees of "food employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if the claim is for less than \$5.12 per hour. If the employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

PUMP AT WORK The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

ENFORCEMENT The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate or seek injunctive relief. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA child labor provisions. Heightened

ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections. Employers must comply with both.
- Some employees (commonly called "independent contractors") when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and certain classified independent contractors are.
- Certain full-time students, student teachers, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

WHD WAGE AND HOUR DIVISION
U.S. DEPARTMENT OF LABOR
1005 407 3400
www.dws.state.nm.us

EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most private employers from using lie detector tests both for pre-employment screening and during the course of employment

PROHIBITIONS Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

EXEMPTIONS Federal, state and local governments are not affected by the law. Also, the law does not apply to tests given by the federal government to certain private individuals engaged in national security-related activities.

The Act permits polygraph (a kind of lie detector) tests to be administered in the private sector, subject to restrictions, to certain prospective employees of security service firms (armed car, alarm, and guard), and of pharmaceutical manufacturers, distributors and dispensers.

The Act also permits polygraph testing, subject to restrictions, of certain employees of private firms who are reasonably suspected of involvement in a workplace incident (such as an employee's theft, or fraud), and of employees of pharmaceutical manufacturers, distributors and dispensers.

The law does not preempt any provision of any State or local law or any collective bargaining agreement which is more restrictive with respect to lie detector tests.

EXAMINEE RIGHTS Where polygraph tests are permitted, they are subject to numerous strict standards concerning the conduct and length of the test. Examinees have a number of specific rights, including the right to a written notice before testing, the right to refuse or discontinue a test, and the right not to have test results disclosed to unauthorized persons.

ENFORCEMENT The Secretary of Labor may bring court actions to restrain violations and assess civil penalties against violators. Employees or job applicants may also bring their own court actions.

THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.

WHD WAGE AND HOUR DIVISION
U.S. DEPARTMENT OF LABOR
1005 407 3400
www.dws.state.nm.us

NEW MEXICO JOB HEALTH AND SAFETY POSTER

You Have a Right to a Safe and Healthful Workplace

IT'S THE LAW!

OSHA

Site Address / Dirección de la Agencia:
525 Camino de los Marquez, Santa Fe, NM 87505

Mailing Address / Dirección de Correo:
PO Box 5489 Santa Fe, NM 87502-5489

Telephone No. / Número de Teléfono:
505-476-6700 or 1-877-610-6742

Fax Number / Número de Fax:
505-476-8734

Employers:

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request a New Mexico OSHA inspection if you believe that there are unsafe or unhealthful conditions in your workplace. You or your representative may participate in the inspection.
- You can file a complaint with New Mexico OSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the New Mexico Occupational Health and Safety Act.
- You have a right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all OSHA standards issued under the OSHA Act that apply to your own actions and conduct on the job.

Employers:

- Employers must furnish your employees a place of employment free from recognized hazards.
- Employers must comply with the OSHA standards issued under the OSHA Act.

The Occupational Safety and Health Act of 1970 (OSH Act), P.L. 91-596, assures safe and healthful working conditions for working men and women throughout the Nation. The Occupational Safety and Health Administration, in the U.S. Department of Labor, has the primary responsibility for administering the OSHA Act. The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency, or seek free OSHA advice and assistance, call 1-877-610-6742 or (505) 476-8700 or email at Complains.OSHA@cnv.nm.gov. Our fax number is (505) 476-8734. For information or assistance related to the State Occupational Health & Safety program, please refer to address to the left side of poster.

The Federal Occupational Safety and Health Administration monitors the operation of the state program to assure its continued effectiveness. Anyone wishing to register a complaint concerning the administration of the New Mexico Occupational Health and Safety Program may do so by contacting U.S. Department of Labor, Occupational Safety and Health Administration, 525 Griffin Street, Room 602, Dallas, Texas 75202 at (972) 850-4145.

PÓSTER SOBRE LA SALUD Y SEGURIDAD EN EL TRABAJO EN NUEVO MÉXICO

Tiene Derecho a un Lugar de Trabajo Saludable y Seguro ¡ES LA LEY!

Empleado:

- Tiene derecho a notificar a su empleador o a OSHA sobre los peligros en el lugar de trabajo. Usted puede pedir a OSHA que mantenga su nombre confidencial.
- Tiene el derecho a solicitar una inspección de OSHA de Nuevo México si cree que existen condiciones inseguras o insalubres en su lugar de trabajo. Usted o su representante pueden participar en la inspección.
- Puede presentar una queja ante OSHA de Nuevo México dentro de los 30 días siguientes a la discriminación por parte de su empleador por presentar quejas de seguridad y salud o por ejercer sus derechos bajo la Ley de Salud y Seguridad Ocupacional de Nuevo México.
- Tiene derecho a ver las citaciones de OSHA emitidas a su empleador. Su empleador debe publicar las citaciones en el lugar o cerca del lugar de la supuesta violación.
- El empleador debe corregir los peligros en el lugar de trabajo a más tardar hasta la fecha indicada en la citación y debe certificar que estos peligros han sido reducidos o eliminados.
- Tiene derecho a obtener copias de su historial médico o de los registros de su exposición a sustancias o condiciones tóxicas y nocivas.
- Su empleador debe publicar este aviso en su lugar de trabajo.
- Debe cumplir con todas las estándares de OSHA emitidos bajo la Ley OSH que se aplican a sus propias acciones y conducta en el trabajo.

Empleadores:

- Los empleadores deben proporcionar a sus empleados un lugar de trabajo libre de peligros reconocidos.
- Los empleadores deben cumplir con los estándares de OSHA emitidos bajo la Ley de OSHA.

La Ley de Seguridad y Salud Ocupacional de 1970 (OSH Act), PL. 91-596, asegura unas condiciones de trabajo seguras y saludables para los trabajadores y trabajadoras de todo el país. La Administración de Seguridad y Salud Ocupacional, en el Departamento de Trabajo de los Estados Unidos, tiene la responsabilidad principal de administrar la Ley OSHA. Los derechos enumerados aquí pueden variar según las circunstancias particulares. Para presentar un reclamo, informar sobre una emergencia o pedir consejos y asistencia gratis de la OSHA, llame 1-877-610-6742 or (505) 476-8700 or email Complains.OSHA@cnv.nm.gov. Número de fax: (505) 476-8734.

La Administración Federal de Salud y Seguridad Ocupacional monitorea el funcionamiento del programa estatal para asegurar su continua eficacia. Cualquier persona que desee registrar una queja relativa a la administración del Programa de Salud y Seguridad Ocupacional de Nuevo México puede hacerlo comunicándose con el Departamento de Trabajo de los Estados Unidos, Administración de Salud y Seguridad Ocupacional, 525 Griffin Street, Room 602, Dallas, Texas 75202, teléfono (972) 850-4145.

NM OSHA - The Best Resource for Health and Safety
El Mejor Recurso para la Salud y Seguridad

QUÉ HACER SI SE LESIONA EN EL TRABAJO

Notice
In most cases you must tell your employer about the accident within 15 days, using the Notice of Accident Form.

Support Services
You have the right to information and assistance from an information specialist known as an Ombudsman at the Workers' Compensation Administration.

Claims Information
Contact your employer's Claims Representative.

Sus Derechos
Es posible que usted tenga, o no tenga, el derecho de exigir el proveedor de servicios para la salud. Si su empleador / asegurador no le ha dado instrucciones por escrito de quien es él que selecciona primero, pregúntele o llame a un ombudsman. En una emergencia, obtenga asistencia médica de emergencia primero.

Si usted está fuera del trabajo por más de siete días, su empleador / asegurador debe de hacerle un pago compensatorio de prestaciones para compensar parcialmente la pérdida de su salario.

Si usted sufre "daño permanente" usted puede tener el derecho a recibir prestaciones parciales de salario por un periodo de tiempo más largo.

Employer's Insurer / Claims Representative: Asegurador del Empleador / Representante de Reclamaciones:
Name: _____
Phone #: _____
Address: _____

If You Need Help Call: 1-866-967-5667 Ask for an Ombudsman

Si Usted Necesita Ayuda Llame Al: 1-866-967-5667 Pregunta por un Ombudsman

Visit our website at: <https://workerscomp.nm.gov>

For FREE copies of this poster and Notice of Accident Forms, call 1-866-967-5667

EMPLOYER: You are required by law to tell your employees can read it. Post the Notice of Accident forms with it.

The poster without the Notice of Accident forms does not comply with law. You have other rights and duties under the law.

Ref: NMSA Sec. 52-3-129

DISCRIMINATION es contra la ley.

Si siente que ha sido discriminado, visite nuestra página por Internet o póngase en contacto con nosotros.

Buró de Derechos Humanos
1596 Pacheco Street, Santa Fe, NM 87505
Oficina: (505) 827-6838 - Línea Gratuita: (800) 566-9471 - Fax: (505) 827-6878

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Ref: NMSA Sec. 28-1-14

STATE AND FEDERAL LABOR LAW

PAY DAY NOTICE

PAY DAY IS ON:

MONDAY FRIDAY
 TUESDAY SATURDAY
 WEDNESDAY SUNDAY
 THURSDAY

PAY SCHEDULE IS:

WEEKLY SEMI MONTHLY
 BIWEEKLY MONTHLY

PAYCHECKS ARE ISSUED ON THE: _____ AND _____ OF THE MONTH

AT: _____

TIME: _____

EMERGENCY NUMBERS CALL 911

POLICE: _____

AMBULANCE: _____

PHYSICIAN: _____

HOSPITAL: _____

FIRE DEPARTMENT: _____

POISON CONTROL: _____

OSHA: _____

NEW MEXICO MINIMUM WAGE ACT

EMPLOYEE RIGHTS

MINIMUM WAGE IN NEW MEXICO

\$12 per hour as of January 1, 2023

OVERTIME PAY At least 1½ times your regular hourly rate of pay for all hours worked over 40 in a workweek.

TIPPED WORKERS Employees must pay tipped employees an hourly rate of at least \$3 per hour. If the tips plus the hourly rate do not equal at least \$12 per hour, the employer must make up the difference. Tipped employees have a right to keep all of their tips. Tip pooling may only be among wait staff.

NO SEPARATE RATE FOR STUDENTS OR MINORS

DAMAGES

RETALIATION PROHIBITED

ENFORCEMENT

LOCAL MINIMUM WAGE RATES

ADDITIONAL INFORMATION

EMPLOYERS MUST DISPLAY THIS POSTER WHERE EMPLOYEES CAN EASILY SEE IT.

For more information or to file a wage claim, contact the Labor Relations Division at 505-841-4400, or online at www.dws.state.nm.us

Ref: NMSA Sec. 50-1-25

PAID SICK LEAVE Notice of Employee Rights

Healthy Workplaces Act | NMSA 50-17-1 to 50-17-12 | Effective date: July 1, 2022

ACCURAL
Employees accrue one hour of earned sick leave for every thirty hours worked, starting their first day of work. Up to 64 hours of unused earned sick leave can carry over year-to-year.
The Act provides minimum requirements; other laws or employer policies may provide for more accrual, use, or carry over of earned sick leave. The Act does not preempt or override the terms of any collective bargaining agreement.

USE OF PAID SICK LEAVE
Employees may use up to 64 hours of earned sick leave per twelve-month period, if they work enough hours. Individual employers may set a higher limit. Employees may select when the 12-month period begins.

PAY
Used sick leave is compensated at the employee's usual hourly rate and benefit. The hourly rate must be at least minimum wage.

REASON FOR USE OF LEAVE
Employees may use accrued sick leave for the following reasons:

- Employee's treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Care of employee's family members for treatment or diagnosis of illness, injury, or health condition, or preventative medical care.
- Meetings related to employee's child's health or disability.
- Absence necessary because of and related to domestic abuse, sexual assault, or stalking suffered by the employee or their family member.

USE OF SICK LEAVE
Employees must grant use of earned sick leave upon the oral or written request of an employer or an individual acting on the employer's behalf. When possible, the request must include the expected duration of the absence. An employer may not condition an employee's taking earned sick leave on the employee searching for or finding a replacement worker to cover during the employee's absence. An employer may not require an employee to use other paid leave before the employee uses sick leave pursuant to the Act.

The employee should notify the employer in advance when an employee is foreseeable and make a reasonable effort to schedule the leave so it does not disrupt business operations. When use of sick leave is not foreseeable, the employee must notify the employer as soon as practicable.

Ref: NMSA Sec. 50-17-6

NOTICE
An employer must give written or electronic notice of employee rights and the Act's terms and provisions to an employee at the start of employment. This notice must be in English, Spanish, or any language that is the first language spoken by at least ten percent of the employer's workforce, as requested by the employee.

REASONABLE DOCUMENTATION
An employer may require reasonable documentation verifying the sick leave was used for a covered purpose if the employee uses two or more consecutive workdays of sick leave. Employers must treat all information obtained related to an employee taking sick leave as confidential.

DOCUMENT RETENTION
Employers must keep records documenting hours worked by employees and earned sick leave accrued and taken by employees for four years.

RETALIATION PROHIBITED
Employees may not take or threaten an adverse action against an employee that is reasonably likely to deter employees from exercising or attempting to exercise their rights under the Act. Employees may not retaliate because an employee raises concerns about violations of the Act, exercises their rights under the Act, or participates in investigations or legal proceedings related to alleged violations of the Act.

Examples of retaliation include the following: denying use or delaying payment of earned sick leave; termination; reducing work hours; giving the employee undesirable assignments or scheduling; threats, discipline, cutting use of earned sick leave hours as an absence that may lead to any adverse action, or any other employment action considered less favorable.

COMPLAINT PROCESS
The New Mexico Department of Workforce Solutions, Labor Relations Division, enforces the Act. Any employee aggrieved by a violation of the Act may file a complaint with the Labor Relations Division by calling (505) 841-4400, visiting www.dws.state.nm.us, or going to a New Mexico Workforce Connections Office. Notice: The Division will disclose complainant's identity as part of the investigation. An employer's legal status for presence in the United States is not a defense to an action brought pursuant to the Act.

Employees may file a complaint with the Division or file a civil action in a court within three years from the date the alleged violation occurred.

An employer found to be in violation of the Act will be liable for damages and/or penalties pursuant to the Act.

For more details, see the full text of the law and regulations, available at www.dws.state.nm.us

Ref: 03/2022

Know Your Rights: Workplace Discrimination is Illegal

The U.S. Equal Employment Opportunity Commission (EEOC) enforces the laws that prohibit workplace discrimination against you as an employer or job applicant. The EEOC may investigate your complaint and help you resolve the problem.

Who is Protected?

- Employees (current and former) including managers and temporary employees
- Applicants for employment
- Contractors
- Individuals who are applicable to including:
 - Retirees
 - Former employees
 - Individuals who are not currently employed but who were previously employed by the employer

What Organizations are Covered?

- Private employers with 15 or more employees
- State and local government employers
- Education institutions
- Religious organizations
- Employers with contracts with the federal government
- Employers with contracts with the state or local government
- Employers with contracts with the U.S. Postal Service
- Employers with contracts with the U.S. Air Force
- Employers with contracts with the U.S. Navy
- Employers with contracts with the U.S. Marine Corps
- Employers with contracts with the U.S. Coast Guard
- Employers with contracts with the U.S. Army
- Employers with contracts with the U.S. Air Force Reserve
- Employers with contracts with the U.S. Navy Reserve
- Employers with contracts with the U.S. Marine Corps Reserve
- Employers with contracts with the U.S. Coast Guard Reserve
- Employers with contracts with the U.S. Army Reserve

What Types of Employment Discrimination are Prohibited?

- Race
- Color
- Religion
- Sex
- Age
- Disability
- Genetic information
- National origin
- Sexual orientation and gender identity
- Marital status
- Political affiliation
- Retaliation
- Harassment
- Unlawful discrimination based on pregnancy, childbirth, or related medical conditions, sexual harassment, or stalking
- Unlawful discrimination based on military or veteran status
- Unlawful discrimination based on citizenship or immigration status
- Unlawful discrimination based on ancestry
- Unlawful discrimination based on genetic information
- Unlawful discrimination based on marital status
- Unlawful discrimination based on political affiliation
- Unlawful discrimination based on retaliation
- Unlawful discrimination based on harassment
- Unlawful discrimination based on stalking
- Unlawful discrimination based on military or veteran status
- Unlawful discrimination based on citizenship or immigration status
- Unlawful discrimination based on ancestry
- Unlawful discrimination based on genetic information
- Unlawful discrimination based on marital status
- Unlawful discrimination based on political affiliation
- Unlawful discrimination based on retaliation
- Unlawful discrimination based on harassment
- Unlawful discrimination based on stalking
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- Unlawful discrimination based on stalking
- Unlawful discrimination based on military or veteran status
- Unlawful discrimination based on citizenship or immigration status
- Unlawful discrimination based on ancestry
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- Unlawful discrimination based on political affiliation
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